

P-15

**Acknowledgment and  
Notice of Acknowledgment  
of Acceptance of R.S. 2477  
Right-of-Way Grant**

**DOC # 20080037728**

Right of Way Page 1 of 15  
Russell Shirts Washington County Recorder  
09/25/2008 09:49:30 AM Fee \$ 0.00  
By WASHINGTON CO ATTORNEY



**THE STATE OF UTAH**

**TO ALL WHOM THESE PRESENTS SHALL COME, Greeting:**

**Know ye,** This is an Acknowledgment and Notice of Acknowledgment made under Utah Code Sections 72-5-309 through 310 inclusive, that the grant of the United States of America of "the right of way for the construction of highways over public lands, not reserved for public uses" under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its political subdivision Washington County as it pertains to the highway located in Washington County known as VIRGIN RIVER OVERLOOK ROAD; County Road Number: 0278; State Geographic Information Database (SGID) Road Identification Number: RD270278. Total road length is 1.87 miles more or less.

The reason for this Acknowledgment and Notice of Acknowledgment includes, but is not limited to, the fact that the road was constructed, mechanically, or by continuous use as a public highway for a period of at least ten years, over public lands not reserved for public uses, prior to the earlier of (a) the October 21, 1976 repeal of R.S. 2477 or (b) the date the servient estate was reserved for public uses.

This Acknowledgment and Notice of Acknowledgment applies only to the segments of the road that traverse land owned by the Bureau of Land Management, United States Department of the Interior, and does not apply to segments of the road that traverse land owned by any other person or entity. The State of Utah and its political subdivisions reserve the right to make further acknowledgments and notices of acknowledgment with regard to road segments that traverse land owned by other entities, including the United States of America, through one or more of its agencies.

A printed copy of a map showing the location of the road in said county is appended hereto as "Attachment 1," a printed copy of representative photos of the road is appended hereto as "Attachment 2," a printed copy of a description of the beginning and ending points of the entire road together with a list of Townships, Ranges and Sections that may be traversed by the road in said county is appended hereto as "Attachment 3," and a printed copy of the Road Centerline Description Cover Page(s) is appended hereto as "Attachment 4." The Appendices listed in "Attachment 4" that contain the actual road centerline descriptions are incorporated herein by reference. Affidavits provided by individuals familiar with the road are appended hereto as "Attachment 5."

A printed copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or obtained at the office of the Utah State Archives.

An electronic copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or downloaded as read-only PDF (Portable Document Format) files via the

Internet at <http://recorded2477roads.utah.gov>.

The owner of the servient estate in the land underlying the road-segments subject to this Acknowledgment and Notice is believed to be the United States of America through one or more of its agencies. Any of such agencies or any other person with a servient ownership claim or a competing dominant estate right-of-way ownership claim, may file a petition in the State District Court for Salt Lake County for a decision regarding the correctness of this Acknowledgment. A claimant shall file a petition within sixty (60) days after receipt of this Notice.

**In Witness Whereof**, I, John Harja, the official designee of the Governor of the State of Utah, in conformity to the laws of the State (Utah Code Sections 72-5-308 through 310 inclusive), have caused this Acknowledgment and Notice of Acknowledgment to be made.

Signed by my hand in Salt Lake City, Utah, the 18<sup>th</sup> day of August, 2008.

By the Governor's Designee

  
John Harja

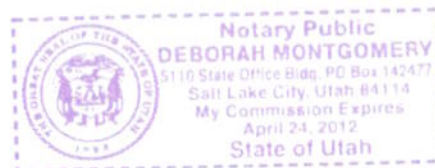
### CERTIFICATION

State of Utah                     )  
  : ss  
County of Salt Lake            )

I hereby certify that the signer of the foregoing document, John Harja, is personally known by me, has made a voluntary signature and taken an oath stating that he is the official designee of the Governor of the State of Utah and is authorized to sign this document on the Governor's behalf pursuant to Utah Code Section 72-5-309. He further vouched that, based upon information and belief, the facts alleged therein are true.

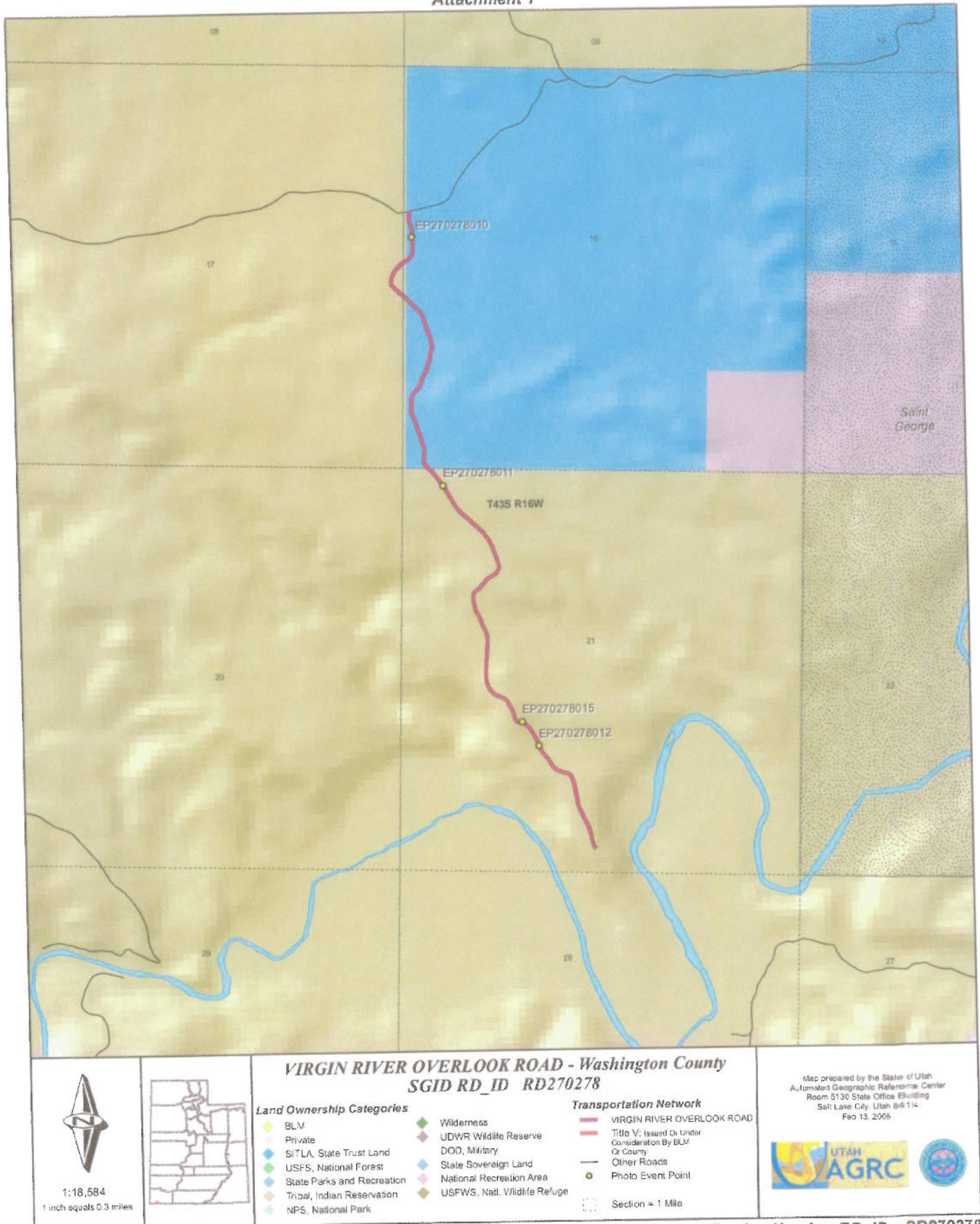
Dated this 18<sup>th</sup> day of August, 2008.

  
Notary Public





# Attachment 1



Attachment 2



EP270278010



EP270278011



EP270278012



EP270278015

EP000000000

EP000000000

**VIRGIN RIVER OVERLOOK ROAD - Washington County**  
**SGID RD\_ID RD270278**



Map prepared by the State of Utah  
Automated Geographic Reference Center  
Room 5130 State Office Building  
Salt Lake City, Utah 84114  
February 14, 2008





### **Attachment 3**

#### **Beginning & Ending Points and Township, Range, and Section References For:**

**Popular Name: VIRGIN RIVER OVERLOOK ROAD**

**County: Washington**

**County Road Number: 0278**

**State Geographic Information Database (SGID) Road Identification Number: RD270278.**

**Total Road Length: 1.87 miles more or less.**

**Beginning at a point** on the road centerline located at 37 degrees 01 minutes 26.41 seconds North Latitude and -113 degrees 38 minutes 59.13 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,012,845.7 feet and Y = 9,979,827.0 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 37 degrees 02 minutes 48.78 seconds North Latitude and -113 degrees 39 minutes 30.35 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,010,506.8 feet and Y = 9,988,214.2 feet based on the US Survey Foot conversion.

This road may traverse:

Township 43 South Range 16 West, Section(s) 16,17,21, Salt Lake Base & Meridian  
See Attachment 1 above for a cartographic depiction of the course of this road.

**Attachment 4**  
**Road Centerline Description Cover Page(s)**

**Popular Name: VIRGIN RIVER OVERLOOK ROAD**

**County: Washington**

**County Road Number: 0278**

**State Geographic Information Database (SGID) Road Identification Number: RD270278.**

**Total Road Length: 1.87 miles more or less.**

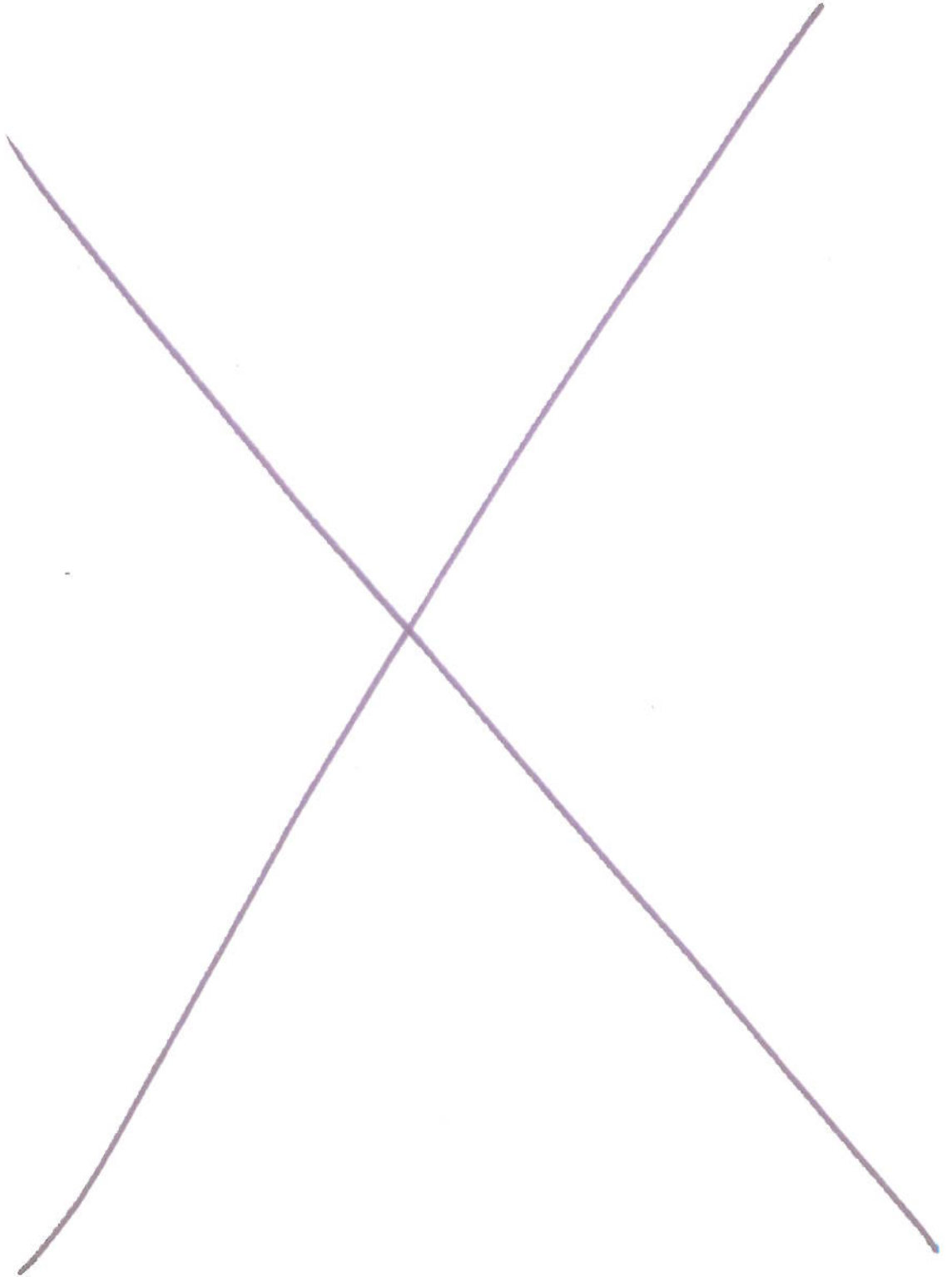
**Centerline Descriptions Of Road-Segments That Cross Over Federally Owned Land, Derived From Global Positioning System Data And Cross-checked against USGS Digital Orthophoto Quadrangles Compiled By The Utah Automated Geographic Reference Center And Entered Into The State Geographic Information Database (SGID).**

<b>Road-Segments Listed by SGID Road Identification Number (RD ID)</b>	<b>Road-Segment Numbers</b>	<b>Believed Ownership Of Servient Estate</b>	<b>Approximate Segment Length</b>	<b>See Attached Appendix</b>
<b>RD270278</b>	<b>001</b>	<b>BLM</b>	<b>1.16 Miles</b>	<b>A</b>
<b>RD270278</b>	<b>002</b>	<b>ST</b>	<b>0.46 Miles</b>	<b>(not shown)</b>
<b>RD270278</b>	<b>003</b>	<b>BLM</b>	<b>0.12 Miles</b>	<b>B</b>
<b>RD270278</b>	<b>004</b>	<b>ST</b>	<b>0.13 Miles</b>	<b>(not shown)</b>
		<b>Total Road Length</b>	<b>1.87</b>	

\* Indicates that a Title V permit will be requested, is in process, or has been issued.

† Indicates that road-segments crossing Forest Service land are under consideration by the state and county as of the date of this Acknowledgment and Notice of Acknowledgment.

## Attachment 5



State of Utah )  
 ) ss  
County of Washington )

1. I am an adult competent to testify about the matters set forth below based upon my personal knowledge and belief. I was born on May 17, 1954 (age 54). I was born in and currently reside in St. George, Washington County, State of Utah. I have lived in Washington County, Utah, my entire life, except for 8 months, when at the age of 20, I lived in Baker, California. I am a Peace Officer for Santa Clara City. I am a retired Deputy Sheriff for Washington County and I was so employed for approximately 28 years.

2. I have traveled and am familiar with a road in Washington County known as VIRGIN RIVER OVERLOOK ROAD. I am also familiar with the land the road traverses. I have traveled the road with my father and grandfather for ranching, hunting and recreation, at various times since at least 1960. When I first used and observed the road in 1960, it followed the same route as in 2006, when I last observed it. Attached is a Washington County map showing VIRGIN RIVER OVERLOOK ROAD. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map. The County also identifies this road according to the road number listed above.



3. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as 1960, and continuing through 1976 to the present. Throughout this time period I have observed travel on the road by trucks, jeeps, stock trucks, ATVs, and other motor vehicles. Throughout this time period, the road has been used at least weekly, weather permitting, for more than ten continuous years prior to 1976, and it is presently used on at least a weekly basis, as the weather permits.

4. Throughout the time period from 1970 to the present, I have used the road myself for livestock operations, recreation, wood gathering, hunting, and government access for my job, including search and rescue operations.

5. Throughout the time period described in the previous paragraphs, I observed vehicles using the road at various times for the uses described in the previous paragraphs, plus prospecting; trapping; government access; and recreation, such as camping, picnicking, hiking, sight seeing, and traveling in and through the general areas.

6. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least 1950 and continuing through 1976 to the present, for the uses described in the previous paragraphs. My grandfather and great-grandfather were involved in ranching operations near the road, including using grazing rights, before I was born.

7. Prior to 1976, I occasionally observed county graders on the road. I personally observed and have been involved in calling Washington County road crews to the road due to floods and inclement weather. I observed general repairs and/or

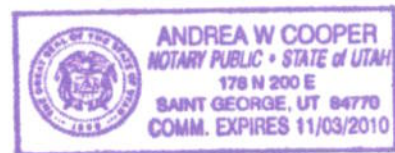
maintenance and construction of the road by Washington County. I observed cattle guards, berms, culverts, graded and raised surfaces, cuts and fills and flood repair work, as necessary.

DATED this 31 of July, 2008.

  
\_\_\_\_\_  
KEVIN BROOKS

SUBSCRIBED AND SWORN to before me this 31st day of July, 2008.

  
\_\_\_\_\_  
NOTARY PUBLIC

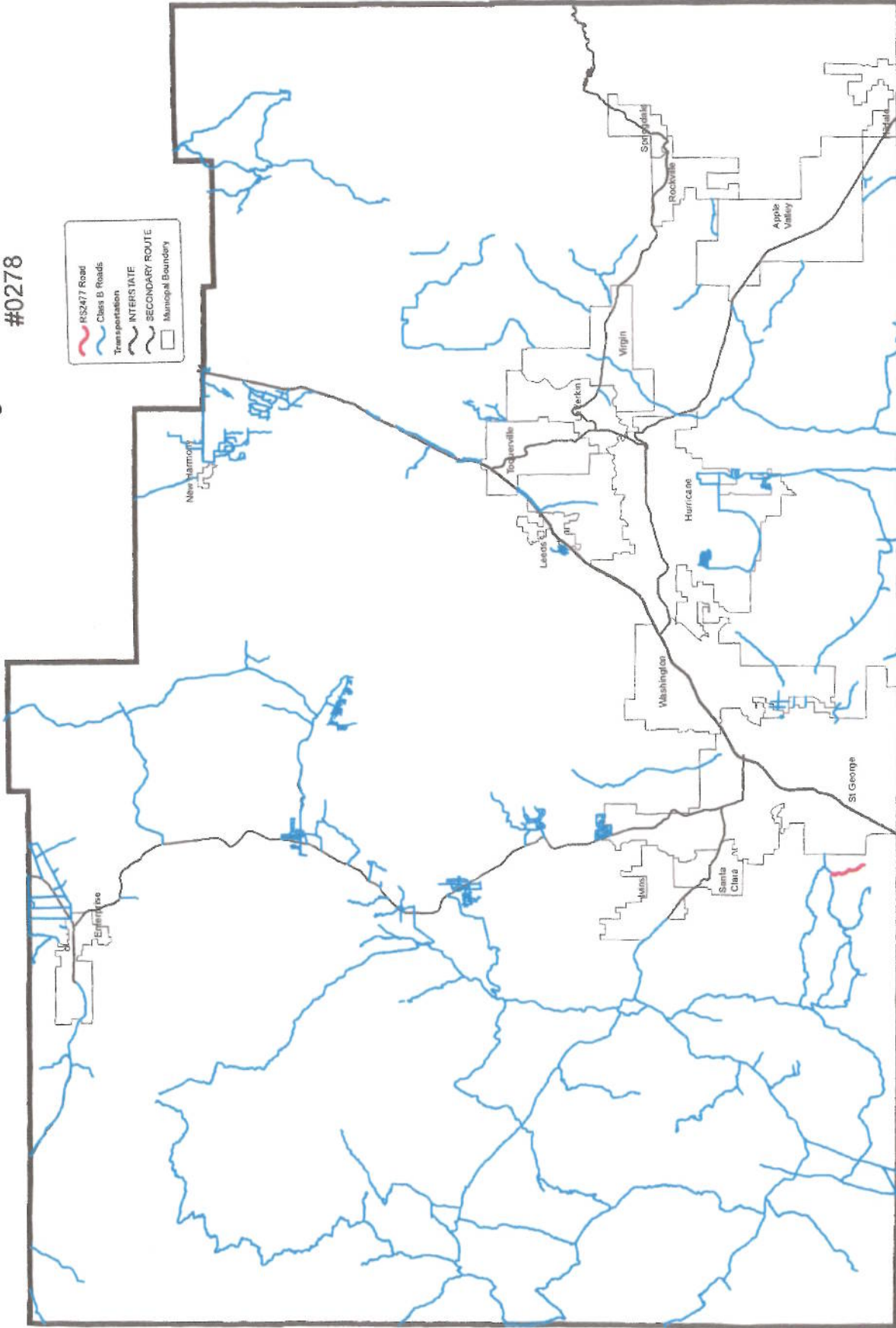


# Washington County

## Virgin River Overlook Road

### #0278

- RS2477 Road
- Class B Roads
- Transportation
- INTERSTATE
- SECONDARY ROUTE
- Municipal Boundary





AFFIDAVIT OF DEAN THOMAS TERRY  
VIRGIN RIVER OVERLOOK ROAD  
COUNTY ROAD NUMBER 0278  
WASHINGTON COUNTY, UTAH

State of Utah                                 )  
  :ss  
County of Washington                    )

DEAN THOMAS TERRY, being first duly sworn, deposes and states as follows:

1. I am an adult competent to testify about the matters set forth below based upon my personal knowledge. I am 74 years old. I currently reside at Twin Springs Ranch, located at 3200 South 1700 East, Enterprise, Washington County, Utah. I grew up in the Beaver Dam Wash Area, where my father homesteaded a large parcel of land since 1915. I have lived in Washington County my entire life, except for 11 years when I lived in Las Vegas, Nevada. Even while living in Nevada, I have always had close ties to Washington County, Utah. I have been a real estate owner, developer and broker for the past 40 years in both Utah and Nevada.

2. I have traveled and am familiar with a road in Washington County known as VIRGIN RIVER OVERLOOK ROAD. I am also familiar with the land the road traverses. I traveled the road as a young child, with my father, as early as the mid 1930s. When I first used and observed the road myself, in approximately the early 1940s, it followed the same route as in 2007 when I last observed it. Attached is a Washington County map showing VIRGIN RIVER OVERLOOK ROAD. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated

on the attached map, except for some diversion due to flooding. The County also identifies this road according to the road number listed above.

3. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least the mid-1930s, and continuing through 1976 to the present. Throughout this time period I have observed travel on the road by trucks, jeeps, stock trucks, and other motor vehicles, including more recently, ATVs. Throughout this time period, the road has been used regularly for more than ten continuous years prior to 1976, and it is presently used on a regular basis, weather permitting. The road is used more on weekends, holidays and during hunting seasons.

4. Throughout the time period from the early 1940s to the present, I have used the road myself for hunting, and recreation such as camping, hiking, and sight seeing.


5. Throughout the time period described in the previous paragraphs, I observed vehicles using the road at various times for the uses described in the previous paragraphs, plus homesteading, farming, commerce, mining and prospecting, wood gathering, general recreation and tourism, government access, and travel in and through the general areas.

6. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased since before 1915, and continuing through 1976 to the present, for the uses described in the previous paragraphs. My father told me on several occasions that the road was open before his 1915 homestead was established.

7. Prior to 1976, I occasionally observed Washington County and private graders on the road. I observed general repairs and maintenance of the road. I observed cattle guards,

where needed, cuts and fills, grader marks, culverts, and flood repair work, on an as-needed-basis.

DATED this 5th of Aug, 2008.

  
DEAN THOMAS TERRY

SUBSCRIBED AND SWORN to before me this 8th day of August,  
2008 <sup>8th</sup>



  
NOTARY PUBLIC



# Washington County

## Virgin River Overlook Road

### #0278

